

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, DC**

**In the Matter of**

**Review of Part 15 and  
other Parts of the  
Commission's Rules**

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**ET Docket 01-278  
RM-9375  
RM-10051**

**To: The Commission**

**Re: Comments to proposed rules changes**

I recommend that the commission reconsider several of the proposed changes documented in the Notice of Proposed Rule Making and Order; ET Docket 01-278, released October 15, 2001.

1. First, I encourage the Commission to reconsider Section 3 – Radio Frequency Identification (RFID) Systems, paragraphs 25, 26, and 27 – SAVI Petition for Rule Making. Furthermore, I recommend that the proposed addition of Section 15.240 of Part 15 not be adopted.

The Commission has proposed the addition of a new rule; 47 C.F.R. § 15.240 (a), *Operation in the band 425-435 MHz*. The suggested wording of this rule may lead to future unintended interference by unlicensed devices to the operations of licensed services and devices. This section indicates that “*Operation under the provision of this section is restricted to devices that use radio frequency energy to locate and identify devices and exchange data....*” As currently written, this rule allows two-way communication between any two devices as long as three conditions are met; 1) determination of location, 2) device identification, and 3) the exchange of data. Notice that “location,” for example, can be specific as in the case of a GPS coordinate or can be general as in returning “I am here” when interrogated. Similarly, “identification” can be specific (e.g., a unique device ID) or can be general to indicate a lot or collection of similar devices. “Exchange” of data is self-explanatory.

Although intended for RFID, this rule might also allow broader peer-to-peer device communications. Consider, for example, the communication between a hand-held computer (e.g., Palm Pilot or Pocket PC) with a home or business computer (henceforth referred to as “desktop”). During synchronization of the hand-held with the desktop, all three steps are performed. First, the hand-held computer is “located” and is known to be near the desktop (i.e., in the cradle). Second, the computer and the hand-held both “identify” themselves to each other. Third, data is “exchanged” between the two systems. While many hand-held systems today synchronize with the desktop using a cable or infrared port, this rule would allow them to exchange data using Radio Frequency emissions. As written, the proposed rule addition could pave the way for unintended peer-to-peer communication in the 420-435MHz frequency range that might result in interference with primary and secondary services.

Furthermore, the proponents partially base their request to use 433 MHz on the perceived high cost of developing their solution to use other frequencies. However, they have not quantitatively communicated the cost to develop their system for use in an already existing band. For example, could their solution be developed to use frequencies currently allocated for Bluetooth or related technologies? While they have stated that it is more expensive to use other frequencies, they have not quantified the savings to customers or consumers. The savings they discuss may be to their R&D costs. As such, modification to the existing Commission rules may simply give them a competitive advantage they might not otherwise enjoy. This unfair competitive advantage would be created over companies that decided to perform R&D in other frequency ranges in order to comply with current Commission rules.

Finally, the proponent’s comments that frequencies in the 420-435MHz range allow them to easily deploy their solutions as unlicensed devices worldwide has been successfully challenged by the ARRL on pages 2 and 3 of their comments dated March 16, 2001. As such, less weight must be placed on the need to use these frequencies versus others at a different bandwidth. If their primary concern is radiation loss, perhaps they should consider other bands such as MURS (Multi-Use Radio Service), which operates in the 150MHz range, for their product. Many of the proponent’s reasons for using 433 MHz discussed in their comments, dated March 16, are 1) not supported and 2) could be avoided by using another frequency range (e.g., MURS).

2. Second, I encourage the Commission to reconsider Section 7 – Information to the User, paragraph 36. I believe that online manuals should continue to be an option and should not be the only form of documentation provided to consumers.

The Commission proposes that manufacturers be given the option of distributing user manuals solely over the Internet. There are three problems with providing information only over the Internet. First, many households are without Internet connectivity, resulting in an undue burden on consumers to obtain needed documents. Second, many with Internet connectivity have slow dial-up connections. A 56K modem does not translate into a fast connection. Depending on the quality of the line, speeds can drop to below 25K. At such speeds, downloading a large document could tie up a phone line for several hours. Third, consumers may not be able to navigate their way through a web-site to find the right document. There is no requirement for vendors to keep manuals online or easily accessible for any period of time. There is no requirement that links be checked periodically to ensure they work. There is no requirement that the web site be easy to use.

In addition, vendors might require users to register before giving them access to such documentation. Such registration could result in privacy and security issues.

The Commission also seeks comments on whether to allow warnings to be delivered exclusively online. I oppose this recommendation because it assumes that the recipient of the warning will keep the same e-mail address indefinitely. Many consumers switch e-mail addresses either at-will, or due to circumstances beyond their control. Consider the number of people who were forced to change their e-mail address in December 2001 with the bankruptcy of At Home Corporation. In this case, more than a million users will not receive any e-mail, warning or otherwise, directed to their [home.com](http://home.com) e-mail address.

Thank you for your review of my comments as part of your decision process.

Sincerely,

Steven Bryant

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